



February 4, 2009

## SENATE BILL No. 139

DIGEST OF SB 139 (Updated February 2, 2009 11:38 am - DI 102)

**Citations Affected:** IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-13; IC 9-24; IC 36-2.

**Synopsis:** Various election matters. Makes the following changes to the election law: (1) Restates county reimbursement procedures for attending the annual election administrators' conference. (2) Specifies the contents of statewide voter registration system reports. (3) Specifies certain procedures in connection with voter list maintenance, and updates procedures for address changes of voter registration records in the statewide voter registration system. (4) Permits a county voter registration office to return to a candidate for President of the United States, United States Senator, or governor, after the petition is certified, an original petition that accompanies a declaration of candidacy. (5) Changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates. (6) Permits the dissolution of a committee without the waiver of outstanding civil penalties previously imposed on the committee, and specifies that the chairman or treasurer of the committee remains liable for any committee debts. (7) Requires that county voter registration records be updated not later than 60 days after election day or after completion of a recount or contest. (8) Allows an overseas voter to transmit an absentee ballot application by electronic mail. (9) Revises precinct boundary change procedures. (10) Provides that the voting system technical oversight program account is nonreverting. (11) Provides that voters who reside within the area of a municipality located in a vote center pilot county may vote using vote center pilot county procedures. (12) Amends provisions concerning candidate ballot vacancy procedures. (13) Repeals obsolete references concerning voting instructions, paper ballots, and special polling places.

**Effective:** July 1, 2009.

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### Landske

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January 7, 2009, read first time and referred to Committee on Rules and Legislative Procedure.

January 13, 2009, amended; reassigned to Committee on Elections.

February 3, 2009, amended, reported favorably — Do Pass.

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SB 139—LS 6400/DI 13+



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February 4, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 139

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-5-4-1.9, AS ADDED BY P.L.164-2006,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 1.9. (a) **This section does not apply to a**  
4 **delinquent campaign finance filing received under IC 3-9.**

5 (b) **This section does not apply to an application for voter**  
6 **registration received while registration is closed under IC 3-7.**

7 (c) Except as otherwise provided in this title, the election division,  
8 an election board, a circuit court clerk, a county voter registration  
9 office, or any other official responsible for receiving a filing under this  
10 title may not receive a filing that is offered to be filed after a deadline  
11 for the filing provided by this title.

12 SECTION 2. IC 3-5-4-7, AS AMENDED BY P.L.230-2005,  
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2009]: Sec. 7. Except as otherwise provided in this title, a  
15 reference to a federal statute or regulation in this title is a reference to  
16 the statute or regulation as in effect January 1, ~~2005~~ **2009**.

17 SECTION 3. IC 3-6-3-6 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2009]: Sec. 6. (a) After the state chairman of a political party files a statement with the election division certifying that the party's name has been changed in accordance with all applicable party rules, a political party shall be known by the political party's new name, and the party has all the rights it had under its former name.

(b) If the state chairman of a political party files a statement under subsection (a) after the printing of ballots for use at an election conducted under this title has begun, ~~the election division or the~~ election board responsible for printing the ballots is not required to alter the ballots to state the new name of the political party.

SECTION 4. IC 3-6-4.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to their duties under this title and federal law (including HAVA and NVRA). The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.

(b) Each circuit court clerk shall attend a meeting called by the election division under this section.

(c) The codirectors of the election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

- (1) may conduct the meeting before the first day of the year; and
- (2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than two (2) days.

(d) Each member of a county election board or board of registration and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following **from the county general fund without appropriation:**

- (1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting called by the election division under this section.
- (2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.
- (3) Reimbursement for the payment of the instructional meeting registration fee. ~~from the county general fund without appropriation.~~
- (4) An allowance for lodging for each night preceding conference

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attendance equal to the lodging allowance provided to state employees in travel status.

SECTION 5. IC 3-6-6-39, AS AMENDED BY P.L.230-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

(1) The individual is at least sixteen (16) years of age but not ~~more than seventeen (17)~~ **eighteen (18)** years of age **or older**.

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter.

(b) An individual appointed to a precinct election office or assistant under this section:

(1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and

(2) while serving as a precinct election officer or assistant:

(A) is not required to obtain an employment certificate under IC 20-33-3; and

(B) is not subject to the limitations on time and duration of employment under IC 20-33-3.

SECTION 6. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The election division may provide parts and reports from the voter registration information from the computerized list for the purposes specified under IC 3-7-26.3-29. ~~However,~~

**(b) Except as otherwise provided in this section,** the parts and reports provided under this section may not include information

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described under section 8 of this chapter.

**(c) The parts and reports may contain the information described in section 8 of this chapter if:**

**(1) the part or report is to be provided to an entity that:**

**(A) is described in section 6 of this chapter; and**

**(B) has previously submitted an application to the election division and paid any required fee to obtain the complete compilation; or**

**(2) the part or report is a purely statistical compilation that:**

**(A) includes the information described in section 8 of this chapter; and**

**(B) does not include any information:**

**(i) concerning an individual voter; or**

**(ii) that would permit the identification of an individual voter as a result of providing the compilation.**

**(d) The parts and reports provided under this section may not include the complete Social Security number of any individual.**

SECTION 7. IC 3-7-27-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) As required under 42 U.S.C. 1973gg-6(i), a county voter registration office shall retain records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the voter registration list. These records include the following:

(1) Lists of names and addresses of voters who were sent notices under the voter list maintenance program.

(2) Information concerning whether a voter has responded to a notice described by subdivision (1) as of the date the inspection of the record is made.

(b) The county voter registration office shall retain the records described by this section for at least two (2) years. Except for records concerning declinations to register to vote or that indicate the identity of a voter registration agency where a person registered, the county voter registration office shall make the records available for public inspection and photocopying at a reasonable cost as provided in IC 5-14-3.

(c) In accordance with ~~IC 5-14-3-3(g)~~ IC 5-14-3-3(h) and notwithstanding any other statute, a county voter registration office shall, with regard to voter registration information concerning voters of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a computer tape, computer disc, microfilm, or other

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1 similar record system that contains this voter registration information  
 2 or not permit the person to duplicate or obtain a duplicate copy of the  
 3 information.

4 (d) A person who requests computerized voter registration  
 5 information under subsection (c) must provide a written statement that  
 6 the person will not:

7 (1) use the information to solicit merchandise, goods, services, or  
 8 subscriptions; or

9 (2) sell, loan, give away, or otherwise deliver the information  
 10 obtained by the request to any other person;  
 11 for a purpose other than political activities or political fundraising  
 12 activities.

13 (e) Publication of information obtained under subsection (d) in a  
 14 news broadcast or newspaper is not prohibited.

15 SECTION 8. IC 3-7-28-12 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. ~~Not later than thirty~~  
 17 ~~(30) days after receipt of the reports of deceased individuals required~~  
 18 ~~under this article;~~ **(a) Each circuit court clerk or board of county voter**  
 19 **registration office** shall send a list of the deceased persons whose  
 20 registrations have been canceled to the following upon request:

21 (1) The county chairman of each major political party of the  
 22 county.

23 (2) The chairman of the following:

24 (A) A bona fide political party of the county.

25 (B) An independent candidate's committee, if the candidate is  
 26 on the ballot for the next election to be conducted in the  
 27 county.

28 **(b) A request filed under this section may state that the list is to**  
 29 **include only cancellations made by the county voter registration**  
 30 **office within a period specified in the request.**

31 SECTION 9. IC 3-7-28-13 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. ~~Not later than thirty~~  
 33 ~~(30) days after preparation of a list of disfranchised voters under this~~  
 34 ~~article; the circuit court clerk or board of~~ **(a) Each county voter**  
 35 **registration office** shall send a **notice list of disfranchised voters**  
 36 **whose registrations have been canceled** to the following upon  
 37 request:

38 (1) The county chairmen of the major political parties of the  
 39 county.

40 (2) The chairman of the following:

41 (A) A bona fide political party of the county.

42 (B) An independent candidate's committee, if the candidate is

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1 on the ballot for the next general election to be conducted in  
2 the county.

3 **(b) A request filed under this section may state that the list is to**  
4 **include only cancellations made by the county voter registration**  
5 **office within a period specified in the request.**

6 SECTION 10. IC 3-7-28-14 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. ~~The circuit court~~  
8 ~~clerk or board of~~ **(a) Each county voter registration office** shall  
9 provide a list of the names and addresses of all voters whose  
10 registrations have been canceled under this article ~~not later than sixty~~  
11 ~~(60) days before election day~~ to the following upon request:

12 (1) The county chairmen of the major political parties of the  
13 county.

14 (2) The chairman of the following:

15 (A) A bona fide political party of the county.

16 (B) An independent candidate's committee participating in a  
17 primary, general, or municipal election.

18 After that date, upon request the clerk or board shall report  
19 cancellations daily and within forty-eight (48) hours after the day on  
20 which the cancellations were made, until election day.

21 **(b) A request filed under this section may state that the list is to**  
22 **include only cancellations made by the county voter registration**  
23 **office within a period specified in the request.**

24 SECTION 11. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006,  
25 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2009]: Sec. 4.5. (a) Except as provided in subsection (b), this  
27 section applies to an individual who:

28 (1) submits an application to register to vote by mail under  
29 IC 3-7-22; and

30 (2) has not previously voted in:

31 (A) a general election in Indiana (or a special election for  
32 federal office in Indiana); or

33 (B) a general election (or a special election for federal office)  
34 in the county where the individual has submitted an  
35 application under this chapter if ~~a statewide voter registration~~  
36 ~~system is not operational in accordance with the requirements~~  
37 ~~of IC 3-7-26.3 and 42 U.S.C. 15483 on the date the application~~  
38 ~~is was~~ received by the county voter registration office **after**  
39 **December 31, 2002, and before January 1, 2006.**

40 (b) This section does not apply to an individual who complies with  
41 the requirements in any of the following:

42 (1) The individual submits an application to register to vote by

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mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(2) The individual submits an application to register to vote by mail under this chapter that includes:

(A) the individual's Indiana driver's license number; or

(B) the last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

(d) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

(e) If the county voter registration office determines that the applicant:

(1) is not required to submit additional documentation under this section; or

(2) has provided the documentation required under this section; the county voter registration office shall process the application in accordance with section 5 of this chapter.

(f) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application

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under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20.2.

(g) The county voter registration office shall remove the notation described in subsection (f) after the voter votes in an election for a federal office.

SECTION 12. IC 3-7-34-7, AS AMENDED BY P.L.81-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The county voter registration office shall certify to the NVRA official on an expedited basis a list of the registration forms that have been processed under section 6 of this chapter but do not contain information required to be supplied by the bureau of motor vehicles commission or a voter registration agency.

(b) The NVRA official shall notify the commission or agency that the commission or agency is required to supply the omitted information on an expedited basis to the county voter registration office. ~~following receipt of notice from the NVRA official.~~

SECTION 13. IC 3-7-36-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) ~~The circuit court clerk or board of county voter~~ registration office shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the date that the clerk or board prepares the certified list under IC 3-7-29-1.

(b) **A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.**

SECTION 14. IC 3-7-40-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The local public officials (or plan commission under IC 36-7-4-405) responsible for:

- (1) naming or renaming streets;
- (2) numbering or renumbering lots or structures; and
- (3) converting rural route addresses to numbered addresses;

shall report the changes to the ~~circuit court clerk or board of county~~ voter registration office not later than the last day of the month following the month in which the change was made.

SECTION 15. IC 3-7-40-6, AS AMENDED BY P.L.164-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 6. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, amend

(1) the original affidavit filed by the voter to indicate the numbered address that replaces the rural route address on the affidavit; and

(2) the entry for the voter in the computerized list under IC 3-7-26.3.

SECTION 16. IC 3-8-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) A petition required by section 8 of this chapter must be submitted to the circuit court clerk or board of county voter registration office during the period beginning January 1 of the year in which the primary election will be held and ending at noon seventy-seven (77) days before the primary election.

(b) After the certification of a petition under this section, the county voter registration office may, upon the request of the candidate named in the petition, return the original petition to the candidate for filing with the secretary of state under section 5 of this chapter.

SECTION 17. IC 3-8-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A petition required by section 2 of this chapter must be submitted to the county voter registration office during the period beginning January 1 of the year in which the primary election will be held and ending at noon ten (10) days before the final date for filing a declaration of candidacy under IC 3-8-2-4 for the primary election.

(b) After the certification of a petition under this section, the county voter registration office may, upon the request of the candidate named in the petition, return the original petition to the candidate for filing under section 5 of this chapter.

SECTION 18. IC 3-8-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) A certificate of nomination executed under section 13 of this chapter must be signed before a person authorized to administer oaths and certify the following information:

(1) The name of the party, the town where the convention was held, the date of the convention, and the date of the town election.

(2) The name, residence, and office of each candidate that was nominated at the convention.

(3) That each candidate for town council resides in the ward for

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which the person is a candidate.

(4) That each candidate is a registered voter of the town and legally qualified to hold the office for which the person is a candidate.

(5) (2) The title of the party that the candidates represent and the device by which the candidates may be designated on the ballots (a symbol to designate the party).

(6) (3) The signature and residence address of the presiding officer and secretary of the convention.

(b) The certificate of nomination must be filed with the circuit court clerk of the county where the convention was held.

SECTION 19. IC 3-8-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

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- (5) A statement indicating whether or not each candidate:
- (A) has been a candidate for state or local office in a previous primary or general election; and
  - (B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(c) The statement required under subsection (b)(7) must:

- (1) be certified by each circuit court clerk; and
- (2) indicate the number of votes cast for secretary of state:
  - (A) at the last election for secretary of state; and
  - (B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

- (1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and
- (2) do one (1) of the following:
  - (A) If the petition includes a sufficient number of signatures, certify the petition.
  - (B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon ~~August 20~~: **on the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division:**

- (1) certify; or
- (2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.

(f) The commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):

- (1) The dates for filing campaign finance reports under IC 3-9.
- (2) The penalties for late filing of campaign finance reports under

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1 IC 3-9.

2 (g) A candidate's consent to become a candidate must include a  
3 statement that the candidate requests the name on the candidate's voter  
4 registration record be the same as the name the candidate uses on the  
5 consent to become a candidate. If there is a difference between the  
6 name on the candidate's consent to become a candidate and the name  
7 on the candidate's voter registration record, the officer with whom the  
8 consent to become a candidate is filed shall forward the information to  
9 the voter registration officer of the appropriate county as required by  
10 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
11 shall change the name on the candidate's voter registration record to be  
12 the same as the name on the candidate's consent to become a candidate.

13 (h) If the person with whom the petition was filed denies  
14 certification under subsection (d), the person shall notify the candidate  
15 immediately by certified mail.

16 (i) A candidate may contest the denial of certification under  
17 subsection (d) based on:

18 (1) the circuit court clerk's or board of registration's failure to  
19 certify, under section 8 of this chapter, qualified petitioners; or

20 (2) the determination described in subsection (d)(1);

21 using the procedure in IC 3-8-1-2 and section 14 of this chapter that  
22 applies to questions concerning the validity of a petition of nomination.

23 SECTION 20. IC 3-8-7-11, AS AMENDED BY P.L.230-2005,  
24 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2009]: Sec. 11. (a) Except as provided in subsection (f), if a  
26 political party has filed a statement with the election division (or any  
27 of its predecessors) that the device selected by the political party be  
28 used to designate the candidates of the political party on the ballot for  
29 all elections throughout the state, the device must be used until:

30 (1) the device is changed in accordance with party rules; and

31 (2) a statement concerning the use of the new device is filed with  
32 the election division.

33 (b) Except as provided in subsection (c), the device may be any  
34 appropriate symbol.

35 (c) A political party or an independent candidate may not use **any**  
36 **of the following** as a device:

37 (1) A symbol that has previously been filed by a political party or  
38 candidate with the election division (or any of its predecessors).

39 (2) The coat of arms or seal of the state or of the United States.

40 (3) The national or state flag. ~~or~~

41 (4) Any other emblem common to the people.

42 (d) Not later than noon ~~August 20, before each general or municipal~~

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1 ~~election, on the date specified under section 16 of this chapter for~~  
 2 ~~the certification of candidates and public questions by the election~~  
 3 ~~division,~~ the election division shall provide each county election board  
 4 with a camera-ready copy of the device under which the candidates of  
 5 the political party or the petitioner are to be listed so that ballots may  
 6 be prepared using the best possible reproduction of the device.

7 (e) This subsection applies to a candidate or political party whose  
 8 device is not filed with the election division under subsection (a) and  
 9 is to be printed only on ballots to identify candidates for election to a  
 10 local office. Not later than noon ~~August 20, on the date specified~~  
 11 ~~under section 16 of this chapter for the certification of candidates~~  
 12 ~~and public questions by the election division,~~ the chairman of the  
 13 political party or the petitioner of nomination shall file a camera-ready  
 14 copy of the device under which the candidates of the political party or  
 15 the petitioner are to be listed with the county election board of each  
 16 county in which the name of the candidate or party will be placed on  
 17 the ballot. The county election board shall provide the camera-ready  
 18 copy of the device to the town election board of a town located wholly  
 19 or partially within the county upon request by the town election board.

20 (f) If a copy of the device is not filed in accordance with subsection  
 21 (a) or (e), or unless a device is designated in accordance with section  
 22 26 or 27 of this chapter, the county election board or town election  
 23 board is not required to use any device to designate the list of  
 24 candidates.

25 (g) **If a device is filed with the election division or an election**  
 26 **board after the commencement of printing of ballots for use at an**  
 27 **election conducted under this title, the election board responsible**  
 28 **for printing the ballots is not required to alter the ballots to include**  
 29 **the device filed under this subsection.**

30 SECTION 21. IC 3-8-7-25.5 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25.5. (a) This section  
 32 does not apply to the change of a candidate's name that occurs after  
 33 absentee ballots have been printed bearing the candidate's name.

34 (b) A candidate who:

35 (1) is:

36 (A) nominated for election; or

37 (B) a candidate for nomination; and

38 (2) changed the candidate's legal name after:

39 (A) the candidate has been nominated; or

40 (B) the candidate has become a candidate for nomination;

41 shall file a statement setting forth the former and current legal name of  
 42 the candidate with the office where a declaration of candidacy or

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1 certificate of nomination for the office is required to be filed. If the  
 2 final date and hour has not passed for filing a declaration of candidacy,  
 3 consent for nomination, or declaration of intent to be a write-in  
 4 candidate, the candidate must file the request for a change of name on  
 5 the form prescribed by the commission for the declaration or consent.

6 (c) The statement filed under subsection (b) must also indicate the  
 7 following:

8 (1) That the candidate has previously filed a change of name  
 9 request with a county voter registration office so that the name set  
 10 forth in the statement is identical to the candidate's name on the  
 11 county voter registration record.

12 (2) How the candidate's legal name was changed.

13 (d) Upon the filing of the statement, ~~the election division~~ and each  
 14 county election board shall print the candidate's legal name on the  
 15 ballot as set forth in the statement.

16 SECTION 22. IC 3-9-1-12 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) A committee  
 18 may disband at any time in the manner prescribed by this section.

19 (b) The commission or a county election board may administratively  
 20 disband a committee in the manner prescribed by this section.

21 (c) The commission has exclusive jurisdiction to disband any of the  
 22 following:

23 (1) A candidate's committee for state office.

24 (2) A candidate's committee for legislative office.

25 (3) A legislative caucus committee.

26 (4) A political action committee that has filed a statement or  
 27 report with the election division.

28 (5) A regular party committee that has filed a statement or report  
 29 with the election division.

30 (d) A county election board has exclusive jurisdiction to disband  
 31 any of the following:

32 (1) A candidate's committee for a local office.

33 (2) A candidate's committee for a school board office.

34 (3) A political action committee that has filed a statement or  
 35 report with the election board, unless the political action  
 36 committee has also filed a report with the election division.

37 (4) A regular party committee that has filed a statement or report  
 38 with the election board, unless the regular party committee has  
 39 also filed a report with the election division.

40 (e) The commission or a county election board may administratively  
 41 disband a committee in the following manner:

42 (1) Not later than the last Friday of January of each year, the

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election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

(2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:

(A) The committee has not filed any report of expenditures during the previous three (3) calendar years.

(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the committee filed a report under this article.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee ~~and waiving any outstanding civil penalty previously imposed by the commission or board~~, if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

~~(B) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust;~~

~~(C)~~ **(B)** According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

**(5) If the commission or board:**

**(A) administratively dissolves a committee under subdivision (4); and**

**(B) finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee to be wasteful or unjust; the commission or board may also waive the outstanding civil penalty previously imposed by the commission or board against the committee.**

~~(5)~~ **(6)** The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under

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1 this subsection. The notice must state the date of the order and the  
 2 name of the committee, but the board is not required to publish  
 3 the text of the order.

4 ~~(6)~~ (7) An order issued under this subsection takes effect  
 5 immediately upon its adoption, unless otherwise specified in the  
 6 order.

7 (f) If the chairman or treasurer of a committee wishes to disband the  
 8 committee, the committee must do either of the following:

9 (1) Give written notification of the dissolution and transfer a  
 10 surplus of contributions less expenditures to any one (1) or a  
 11 combination of the following:

12 (A) One (1) or more regular party committees.

13 (B) One (1) or more candidate's committees.

14 (C) The election division.

15 (D) An organization exempt from federal income taxation  
 16 under Section 501 of the Internal Revenue Code.

17 (E) Contributors to the committee, on a pro rata basis.

18 (2) Use the surplus in any other manner permitted under  
 19 IC 3-9-3-4.

20 (g) Except as provided in subsection (e) concerning the waiver of  
 21 civil penalties, a dissolution or transfer of funds does not relieve the  
 22 committee or the committee's members from **any**:

23 (1) **civil liability, including the liability of the committee's**  
 24 **chairman or treasurer for the payment of any debts incurred**  
 25 **by or on behalf of the committee; or**

26 (2) criminal liability.

27 SECTION 23. IC 3-10-1-31.2 IS ADDED TO THE INDIANA  
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2009]: **Sec. 31.2. (a) This subsection does not**  
 30 **apply if a recount or contest is being conducted in a county. The**  
 31 **county voter registration office shall complete the updating of the**  
 32 **registration record under section 31.1 of this chapter not later than**  
 33 **sixty (60) days after election day.**

34 **(b) If a recount or contest is being conducted in a county, the**  
 35 **county voter registration office shall complete the updating of the**  
 36 **registration record under section 31.1 of this chapter not later than**  
 37 **sixty (60) days after the completion of the recount or contest and**  
 38 **the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17,**  
 39 **IC 3-12-11-18, or IC 3-12-12-19.**

40 SECTION 24. IC 3-10-3-1 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Whenever a  
 42 proposed state constitutional amendment or other public question is

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submitted by the general assembly under Article 16 of the Constitution of the State of Indiana to the electorate of the state for a popular vote, the election division shall certify the public question to the county election board of each county.

(b) If the vote is to occur at a general election, the election division shall certify by noon ~~August 20 before the election~~ **on the date specified under IC 3-8-7-16 for the election division to certify candidates and other public questions for the general election ballot**. If a special election is to be held, the election division shall certify at least thirty (30) days before the election. Each county election board shall publish notice of the public question in accordance with IC 5-3-1.

SECTION 25. IC 3-11-1.5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) If a proposed precinct establishment order includes a legal description of a precinct with a boundary that follows the boundary of a municipality, state legislative district, or municipal legislative district, the order must include the following:

(1) A description in metes and bounds that identifies the boundary as that of a municipality, state legislative district, or municipal legislative district.

(2) A notation on the map of the precinct indicating that the boundary is that of a municipality, state legislative district, or municipal legislative district.

(b) If a proposed precinct establishment order described by section 9 of this chapter includes a legal description of a boundary that follows a visible feature, the order must include a description in metes and bounds **or an aerial photograph** that identifies the visible feature that forms the boundary.

SECTION 26. IC 3-11-3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the election, the ~~election division or the election board~~ may print ballots containing the name of the new candidate.

(b) If the ~~election division or the~~ election board determines that printing ballots under subsection (a) would be uneconomical or impractical, the chairman or committee that made the appointment or selection shall provide to the ~~division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the appointment or selection. Pastors may not be given to or received by any person except the ~~co-directors of the election~~

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~~division (or the~~ election board and the board's chairman.

(c) If a candidate entitled to be placed on the ballot changes the candidate's legal name after the printing of ballots and before the election, the candidate who has changed the candidate's legal name shall provide to the ~~election division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the change of name. If a candidate declines to do so under this subsection, the ~~division or the~~ board is not required to reprint ballots to reflect the change of legal name.

SECTION 27. IC 3-11-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Applications may be made:

(1) in person;

(2) by fax transmission; ~~or~~

(3) by mail; ~~or~~

**(4) by electronic mail with a scanned image of the application and signature of the applicant, if transmitted by an overseas voter acting under section 6 of this chapter;**

on application forms furnished by the county election board or approved by the commission.

(b) Application forms shall:

~~(1) be furnished to all central committees in the county no later than:~~

~~(A) June 15, for a general election or a special election ordered under IC 3-12-8-17 or IC 3-12-11-18 following the primary election; or~~

~~(B) January 15, for a primary election or a special election ordered under IC 3-12-8-17 or IC 3-12-11-18 following the general election;~~

~~(2) (1) be:~~

(A) mailed; ~~or~~

(B) transmitted by fax; ~~or~~

**(C) transmitted by electronic mail with a scanned image of the application;**

upon request, to a voter applying by mail, by telephone, **by electronic mail**, or by fax; and

~~(3) (2)~~ be delivered to a voter in person who applies at the circuit court clerk's office.

(c) The county election board shall:

(1) accept; and

(2) transmit;

applications for absentee ballots under subsection (a) by fax ~~or~~

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1 **electronic mail, if the county election board has access to a fax**  
 2 **machine or electronic mail.** A county election board shall accept an  
 3 application for an absentee ballot transmitted by fax even though the  
 4 application is delivered to the county election board by a person other  
 5 than the person submitting the application.

6 SECTION 28. IC 3-11-8-2 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A voter shall vote at  
 8 the polls for the precinct where the voter resides except when  
 9 authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, **or**  
 10 IC 3-10-12. **or at a special voting poll under section 6.5 of this chapter.**

11 SECTION 29. IC 3-11-8-3.1 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.1. (a) A county  
 13 executive shall designate the polls for each precinct not less than  
 14 twenty-nine (29) days before election day.

15 (b) The designation of a polling place under this section remains in  
 16 effect until:

17 (1) the location of the polling place is altered by an order of the  
 18 county executive or county election board under this chapter; or

19 (2) a precinct establishment order issued under IC 3-11-1.5:

20 (A) designates a new polling place location; or

21 (B) combines the existing precinct with another precinct  
 22 established by the order.

23 ~~(c) The county executive shall then file the report required by~~  
 24 ~~section 6.5 of this chapter concerning polls that are inaccessible to~~  
 25 ~~voters with disabilities.~~

26 SECTION 30. IC 3-11-8-3.2 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.2. (a) A county  
 28 executive shall give ten (10) days notice of the place of voting in each  
 29 precinct by publication in the manner prescribed by IC 5-3-1-4. The  
 30 notice must ~~include the following information:~~

31 ~~(1) For each precinct, state whether the polls are located in an~~  
 32 ~~accessible facility.~~

33 ~~(2) If special polling places are designated under section 6.5 of~~  
 34 ~~this chapter:~~

35 ~~(A) the location of each special polling place; and~~

36 ~~(B) the procedures for elderly voters and voters with~~  
 37 ~~disabilities to apply to vote at a special polling place.~~

38 (b) If it is necessary to change a place for voting after giving notice,  
 39 notice of the change shall be given in the same manner. However,  
 40 except as provided in subsection (c), a change may not be made within  
 41 two (2) days before an election.

42 (c) If the county election board determines by a unanimous vote of

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the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

SECTION 31. IC 3-11-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. ~~Except as provided in section 6.5 of this chapter,~~ The county executive shall locate the polls for each precinct in an accessible facility.

SECTION 32. IC 3-11-13-31.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 31.6. Whenever a ballot card voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 33. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label or paster must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,

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1 IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a)  
 2 through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each  
 3 office and public question may have a separate screen, or the offices  
 4 and public questions may be listed in a continuous column either  
 5 vertically or horizontally. However, school board offices, public  
 6 questions concerning the retention of a justice or judge, local  
 7 nonpartisan judicial offices, and local public questions shall be placed  
 8 at the beginning of separate columns or pages.

9 (f) The name of each office must be printed in a uniform size in bold  
 10 type. A statement reading substantially as follows must be placed  
 11 immediately below the name of the office and above the name of the  
 12 first candidate: "Vote for not more than (insert the number of  
 13 candidates to be elected) candidate(s) for this office."

14 (g) Below the name of the office and the statement required by  
 15 subsection (f), the names of the candidates for each office must be  
 16 grouped together in the following order:

17 (1) The major political party whose candidate received the highest  
 18 number of votes in the county for secretary of state at the last  
 19 election is listed first.

20 (2) The major political party whose candidate received the second  
 21 highest number of votes in the county for secretary of state is  
 22 listed second.

23 (3) All other political parties listed in the order that the parties'  
 24 candidates for secretary of state finished in the last election are  
 25 listed after the party listed in subdivision (2).

26 (4) If a political party did not have a candidate for secretary of  
 27 state in the last election or a nominee is an independent candidate  
 28 or independent ticket (described in IC 3-11-2-6), the party or  
 29 candidate is listed after the parties described in subdivisions (1),  
 30 (2), and (3).

31 (5) If more than one (1) political party or independent candidate  
 32 or ticket described in subdivision (4) qualifies to be on the ballot,  
 33 the parties, candidates, or tickets are listed in the order in which  
 34 the party filed its petition of nomination under IC 3-8-6-12.

35 (6) A space for write-in voting is placed after the candidates listed  
 36 in subdivisions (1) through (5), if required by law. **A space for**  
 37 **write-in voting for an office is not required if there are no**  
 38 **declared write-in candidates for that office. However,**  
 39 **procedures must be implemented to permit write-in voting for**  
 40 **candidates for federal offices.**

41 (7) The name of a write-in candidate may not be listed on the  
 42 ballot.

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(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first office is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and IC 3-11-2-10(d) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

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- (1) the name of the political party or independent ticket; and  
 (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(b) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and  
 (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 34. IC 3-11-14-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 22.5. Whenever an electronic voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 35. IC 3-11-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. Each application for certification of a voting system shall be accompanied by a fee of one thousand five hundred dollars (\$1,500). **All fees collected under this section shall be deposited with the treasurer of state in the voting system technical oversight program account established by IC 3-11-17-6.**

SECTION 36. IC 3-11-17-6, AS AMENDED BY P.L.3-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 6. (a) The voting system technical oversight program account is established with the state general fund to provide money for administering and enforcing IC 3-11-7, IC 3-11-7.5, IC 3-11-15, IC 3-11-16, and this chapter.

(b) The election division shall administer the account. With the approval of the budget agency, funds in the account are available to augment and supplement the funds appropriated to the election division for the purposes described in this section.

(c) The expenses of administering the account shall be paid from the money in the account.

(d) The account consists of the following:

(1) All civil penalties collected under this chapter.

(2) Fees collected under IC 3-11-15-4.

(3) Contributions to the account made in accordance with a settlement agreement executed with a voting system vendor.

(e) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 37. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

(b) ~~A vote center may not be used~~ In a municipal primary or municipal election conducted within a municipality that is partially located in a county that has ~~not~~ been designated a vote center pilot county, **a vote center may not be used by a voter who does not reside within that part of the municipality that is located in the county that has been designated a vote center pilot county.**

SECTION 38. IC 3-13-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

(1) the chairman of the caucus **or committee conducting a meeting under this chapter;** and

(2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter; at least seventy-two (72) hours before the time fixed for the caucus **or committee meeting.**

(b) A candidate's declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter

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1 registration record be the same as the name the candidate uses on the  
 2 declaration of candidacy. If there is a difference between the name on  
 3 the candidate's declaration of candidacy and the name on the  
 4 candidate's voter registration record, the officer with whom the  
 5 declaration of candidacy is filed shall forward the information to the  
 6 voter registration officer of the appropriate county as required by  
 7 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
 8 shall change the name on the candidate's voter registration record to be  
 9 the same as the name on the candidate's declaration of candidacy.

10 SECTION 39. IC 3-13-1-11 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) At a meeting  
 12 called under section 7 of this chapter, the eligible participants shall:

- 13 (1) establish the ~~caucus~~ rules of procedure **for the caucus or**  
 14 **meeting**, except as otherwise provided in this chapter; and
- 15 (2) select, by a majority vote of those casting a vote for a  
 16 candidate, a person to fill the candidate vacancy described in the  
 17 call for the meeting.

18 (b) If more than one (1) person seeks to fill the vacancy, the  
 19 selection shall be conducted by secret ballot.

20 SECTION 40. IC 3-13-5-3 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The state  
 22 chairman **(or a person designated by the state chairman)** shall  
 23 preside over a caucus meeting held under this chapter.

24 (b) A person who desires to be a candidate to fill a vacancy under  
 25 this chapter must file:

- 26 (1) a declaration of candidacy with the chairman of the caucus;  
 27 and
- 28 (2) a statement of economic interests under IC 2-2.1-3-2 with the  
 29 secretary of the senate or principal clerk of the house of  
 30 representatives;

31 at least seventy-two (72) hours before the time fixed for the caucus.

32 (c) In addition to the procedures prescribed by this chapter, the  
 33 chairman and precinct committeemen may adopt rules of procedure  
 34 that are necessary to conduct business.

35 SECTION 41. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006,  
 36 SECTION 138, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2009]: Sec. 6. **(a)** A manager or an employee  
 38 may use any of the following methods to transmit paper copies of voter  
 39 registration applications under section 4 of this chapter:

- 40 (1) Hand delivery to the county voter registration office.
- 41 ~~(2) Certified mail; return receipt requested.~~
- 42 **(2) Delivery by the United States Postal Service, using first**

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class mail.

(b) A county voter registration office:

(1) shall process a voter registration application transmitted in electronic format from a license branch; and

(2) is not required to receive the paper copy of a voter registration application from a license branch before:

(A) approving or denying the application; and

(B) mailing a notice of approval or denial to the applicant.

SECTION 42. IC 9-24-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. ~~(a) The co-directors of the election division shall provide the commission with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of county voter registration office in each county. The commission shall promptly forward the list and each revision of the list to each license branch.~~

~~(b) The co-directors of the election division shall provide the commission with pre-addressed packets for the commission to transmit applications under section 6(1) or 6(2) of this chapter.~~

SECTION 43. IC 36-2-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The auditor may administer the following:

(1) Oaths necessary in the performance of the auditor's duties.

(2) The oath of office to an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.

(3) Oaths relating to the duty of an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.

(4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(b) The auditor may take acknowledgments of deeds and mortgages executed for the security of trust funds the auditor is required to lend.

SECTION 44. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 3-5-4-6; IC 3-11-8-6.5; IC 3-11-11-1.5; IC 3-11-11-1.6.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 139, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Elections.

(Reference is to SB 139 as introduced.)

LONG, Chairperson

## COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 139, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JULY 1, 2009]".

Replace the effective dates in SECTIONS 5 through 16 with "[EFFECTIVE JULY 1, 2009]".

Replace the effective dates in SECTIONS 20 through 23 with "[EFFECTIVE JULY 1, 2009]".

Replace the effective dates in SECTIONS 25 through 37 with "[EFFECTIVE JULY 1, 2009]".

Replace the effective dates in SECTIONS 41 through 42 with "[EFFECTIVE JULY 1, 2009]".

Replace the effective date in SECTION 44 with "[EFFECTIVE JULY 1, 2009]".

Page 17, line 32, delete "a shape file" and insert "**an aerial photograph**".

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Page 26, delete line 39.

and when so amended that said bill do pass.

(Reference is to SB 139 as printed January 14, 2009.)

LANDSKE, Chairperson

Committee Vote: Yeas 7, Nays 0.

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